



UNITED STATES PATENT and TRADEMARK OFFICE

UNDER SECRETARY OF COMMERCE FOR INTELLECTUAL PROPERTY AND  
DIRECTOR OF THE UNITED STATES PATENT AND TRADEMARK OFFICE  
WASHINGTON, D.C. 20231  
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Mailed: 5/6/05

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In re application of :  
Beck et al. :  
Serial No. 10/065,217 : DECISION ON  
Filed: September 26, 2002 : PETITION  
For: Nickel-base alloy :

This is a decision on the PETITION TO WITHDRAW THE HOLDING ABANDONMENT, filed November 11, 2003 for failure to respond to the office action dated March 31, 2003. Applicants assert that a proper, timely response was sent out through Facsimile Transmission on July 30, 2003.

**DECISION**

Since petitioner asserts that a timely response was sent to the USPTO through Facsimile Transmission, the request is accepted as a petition under 37 C.F.R. 1.181 (no fee). A review of the petitioner's evidence provided with the instant petition indicates that the request has merit. The submitted evidence includes: 1) a copy of the Amendment and Remarks to the Office letter of March 31, 2003, 2) a request for a one-month extension of time, and 3) a copy of the Auto-Reply Facsimile Transmission confirming receipt of the reply that was faxed on July 30, 2003.

Therefore, the Notice of Abandonment dated November 5, 2003 is hereby withdrawn. Hence, the case is returned to pending status. The application shall be returned to the LIE for entering of the response to the Non-Final rejection. After such is completed, the case will be returned to the examiner for prompt consideration.

The Petition is **GRANTED**.

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